

AN ORDINANCE

96603

ADOPTING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND LUMBERMEN'S INVESTMENT CORPORATION FOR SERVICES IN LIEU OF ANNEXATION CONCERNING THE LUMBERMEN'S PROPERTY IN BEXAR COUNTY, TEXAS, INCLUDING THE EXHIBITS TO THE AGREEMENT WHICH INCLUDE PROPERTY DESCRIPTIONS, MAPS, A DECLARATION OF RESTRICTIVE COVENANTS (WITH AN INCORPORATED GOLF COURSE ENVIRONMENTAL MANAGEMENT PLAN), A FIREFIGHTING SERVICES AGREEMENT, A LANDOWNER'S CONSENT TO ANNEXATION AND A WAGE STANDARDS AGREEMENT, AMONG OTHER DOCUMENTS, AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS TO IMPLEMENT THE AGREEMENT AND AMENDING THE THREE-YEAR ANNEXATION PLAN IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT..

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WHEREAS, City Council has previously adopted a Three-Year Annexation Plan that provides for the annexation of the Lumbermen's tracts pursuant to the terms of Chapter 43, of the Texas Local Government Code as it was amended by SB 89 of the Seventy-Sixth Texas Legislature; and,

WHEREAS, the Three-Year Annexation Plan was in addition to then pending annexation procedures that would provide for the annexation of the property on or before December 31, 2002; and,

WHEREAS, the City of San Antonio issued notices as required by law and prepared an Inventory of Services and Draft Service Plan for the area; and,

WHEREAS, after objection by the owner to the terms of the plan, the Bexar County Commissioners Court appointed representatives of the property owner to negotiate the terms of an annexation services plan or, as an alternative, an Agreement for Services in Lieu of Annexation under the provisions of 43.0563, Texas Local Government Code; and,

WHEREAS, the owner's representatives and members of City staff have produced an agreement between the City of San Antonio and Lumbermen's Investment Corporation providing for certain services, the application of various San Antonio ordinances and which provides that the property will remain in the Extraterritorial Jurisdiction of the City of San Antonio for a period of fifteen years; and,

WHEREAS, upon termination or expiration of the agreement the property would be subject to annexation by the City of San Antonio on the terms set out in the agreement; and,

WHEREAS, the Agreement also provides for environmental management, monitoring and the provision of fire protection services to the property; and,

WHEREAS, the City Council finds that the terms and conditions of the Agreement for Services in Lieu of Annexation is in the best interest of the City of San Antonio; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

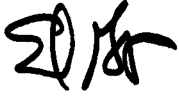
SECTION 1. If an agreement can be executed substantially in accordance with the terms of the Agreement for Services In Lieu of Annexation which is attached hereto and incorporated herein, the City Manager or a designee is authorized to execute such an agreement without further City Council Action. This authority shall expire forty-five calendar days from the date of adoption of this ordinance if a final agreement has not been executed at such time.

SECTION 2. The City agencies and departments noted within the Agreement in Lieu of Annexation and its exhibits are hereby authorized to perform the duties and responsibilities set out in the Agreement and its exhibits.

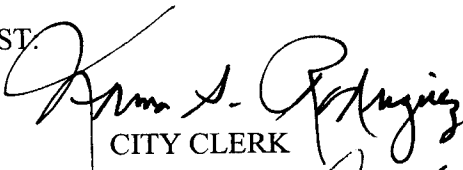
SECTION 3. The City of San Antonio Three Year Annexation Plan is hereby amended as necessary in accordance with this ordinance and the incorporated Agreement to reflect that the property will be annexed at the expiration or termination of the Agreement as provided by Section 43.0563, Texas Local Government Code.

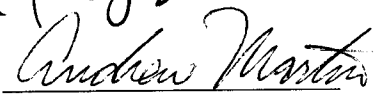
SECTION 4. This ordinance shall be effective on November 3, 2002.

PASSED AND APPROVED this 24th Day of October, 2002.


M A Y O R
EDWARD D. GARZA

ATTEST.


CITY CLERK

APPROVED AS TO FORM: 
City Attorney